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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,539	06/21/2001	Balazs Kralik	M-10954 US	5813
33031	7590 05/24/2005		EXAMINER	
	L STEPHENSON ASC	RUDY, ANDREW J		
4807 SPICEWOOD SPRINGS RD. BLDG. 4, SUITE 201			ART UNIT	PAPER NUMBER
AUSTIN, T			3627	
			DATE MAILED: 05/24/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Commence	09/887,539	KRALIK ET AL.				
Office Action Summary	Examiner	Art Unit				
	Andrew Joseph Rudy	3627				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period volume to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be timed within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONEI	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on 04 M	arch 2005 & 28 April 2005.					
2a) ☐ This action is FINAL . 2b) ☑ This	action is non-final.					
3) Since this application is in condition for allowar	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)⊠ Claim(s) <u>1-5</u> is/are pending in the application.	4)⊠ Claim(s) <u>1-5</u> is/are pending in the application.					
4a) Of the above claim(s) is/are withdraw	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.	5) Claim(s) is/are allowed.					
6) Claim(s) <u>1-5</u> is/are rejected.	Claim(s) <u>1-5</u> is/are rejected.					
	, <u> </u>					
8) Claim(s) are subject to restriction and/or	r election requirement.					
Application Papers	•					
9)⊠ The specification is objected to by the Examine	r.					
10) \boxtimes The drawing(s) filed on <u>04 March 2005</u> is/are: a) \square accepted or b) \boxtimes objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreigna) ☐ All b) ☐ Some * c) ☐ None of:	priority under 35 U.S.C. § 119(a)	-(d) or (f).				
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau * See the attached detailed Office action for a list	` "	d				
dee the attached detailed Office action for a list	or the certified copies flot receive	u.				
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summary					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal Pa	te atent Application (PTO-152)				
Paper No(s)/Mail Date	6) Other:	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				

Art Unit: 3627

DETAILED ACTION

1. Claims 1-5 are pending.

Drawings

2. The drawings were received on March 4, 2005. These drawings are not acceptable. The additional subject matter added to the proposed Figure 2 does not have support from the descriptive portion of the specification. Clear support for the proposed additional subject matter must be clearly identified. Applicant's March 4, 2005 REMARKS have been reviewed, but clear support for all material contained therein is not evident.

Specification

3. The amendment filed March 4, 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The proposed two lines beginning on page 6, line 7, does not have support from the original specification. Clear support for the proposed additional subject matter must be clearly identified. Applicant's statement regarding this matter is noted, but not convincing as no clear support for the proposed amendment is evident.

Art Unit: 3627

Applicant is required to cancel the new matter in the reply to this Office Action, unless proper support therefore is given.

Also, Applicant's proposed Amendment received January 3, 2005 regarding page 6, lines 6-23 has not been entered. Thus, the specification is still deficient with regards to the specification in juxtaposition with the drawings.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant is directed towards paragraph 4 from the September 29, 2005 Final Rejection. Applicant's March 4, 2005 REMARKS have been reviewed, but are not convincing. No clear support for the material added via the June 18, 2004 Amendment has been demonstrated by Applicant.

Art Unit: 3627

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 1-5, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Willis et al, US 5,515,269.

Willis discloses a computer implemented technique, e.g. method, for estimating an expected component surplus, e.g. 87 and identifying a level for each of the components, e.g. 22, 25, using a database comprising cost/price attributes, e.g. claims 27, 30. Willis does not specifically disclose an uncancelable level for each of the components. However, levels that are not to have been cancelled have been common knowledge in the art. To have provided such for Willis would have been obvious to one of ordinary skill in the art. The motivation for providing such would have been using a known factor in determining a cost/price determination when identifying components used in common knowledge product production.

- 8. A further pertinent reference of interest is noted on the attached PTO-892.
- 9. Applicant's Information Disclosure Statement received April 28, 2005 has been reviewed. Note attached PTO-1449.

Art Unit: 3627

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Joseph Rudy Primary Examiner

Art Unit 3627